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ORIGINAL

ENVIRONMENTAL IMPACT REPORT,  
SAN QUENTIN STATE PRISON  
CONDEMNED INMATE COMPLEX  
MARIN COUNTY.

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PUBLIC HEARING

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November 4, 2004

REPORTED BY ROBIN L. SCHMIDT, CSR No. 5763

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711 Grand Avenue, Suite 120, San Rafael, CA 94901 • 800-624-8688 • 415-482-9030 Fax: 415-482-9038  
AmericanCSR@aol.com • www.americanreportingservices.com

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APPEARANCES:

FOR EDAW:

Gary D. Jakobs, Vice President  
Amanda Olekszulín, Associate  
Kristen Stoner, Environmental Planner  
2022 J. Street  
Sacramento, California, 95814

FOR THE STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS:

George A. Sifuentes, Chief  
501 J Street, Suite 230  
P.O. Box 942882  
Sacramento, California 94283-0001

Cher Daniels  
Supervising Environmental Planner  
Environmental Coordination  
Facilities Management Division

Bob Caputi, Project Director

John McNitt, Captain San Quentin State Prison

Vernell Crittendon, Public Information Officer San  
Quentin State Prison

Teri Thornton, Public Information Officer, CDC

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1 Public Hearing taken at Marin County Civic  
2 Center Board of Supervisors Chambers, Room 330, 3501  
3 Civic Center Drive, San Rafael, California 94903  
4 commencing at 6:00 o'clock p.m., Thursday November 4,  
5 2004, before Robin L. Schmidt, CSR No. 5763.

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7 P U B L I C M E E T I N G

8 --o0o--

9 MS. DANIELS: Good evening. We'd like to get  
10 started. It is about 6:00 o'clock. Again, good  
11 evening. My name is Cher Daniels. I'm a Supervising  
12 Environmental Planner with the Department of  
13 Corrections.

14 On behalf of the Department, I would like to  
15 welcome you here to the public hearing for the  
16 proposed condemned inmates project.

17 Did everybody get a copy of the agenda? I  
18 would like to let you know that we're going to start at  
19 6:00 and our public hearing will end at 9:00 o'clock.

20 There are copies of the agenda out in the  
21 lobby. If you need a copy, let us know. You'll note  
22 that on the agenda, the better part of the evening is  
23 going to be taking public testimony from you.

24 We're going to try to keep our remarks very  
25 brief to give you an overview of the project. We'll

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1 have a Power Point presentation that provides  
2 introduction to our team, some background information on  
3 the CEQA project.

4 We'll discuss why the project is needed and  
5 quickly summarize the issues evaluated in the draft EIR.

6 If you have speaker cards, if you can hold onto  
7 those, we'll have someone come around and collect them  
8 from you.

9 So we have plenty of time to get the speaker  
10 cards from you.

11 Also, to let you know that the draft EIR, we've  
12 distributed that. It's been sent out to local  
13 officials, agencies and anyone who wants a copy.

14 I hope that you had a chance to review the  
15 document and you have prepared to give your comments on  
16 the draft EIR. Do I need to wait for folks to kind of  
17 get settled in? I'll continue on.

18 If you didn't get a copy of the draft EIR, let  
19 us know and we can get a copy to you. Tonight is not  
20 your last opportunity to provide us with comments. The  
21 public review period to the draft EIR ends on November  
22 the 12th. So you still have time to provide written  
23 comments to us.

24 Also I need to let you know that we have our  
25 court reporter here, Robin. So it's going to be very

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1 important when you do come up to speak after the Power  
2 Point presentation, that you speak very slowly and help  
3 her out a lot.

4 And you could spell your full name, that will  
5 assist us with getting a really good transcript and  
6 accurate names.

7 Now, I'll introduce you to the firm of EDAW.  
8 That is the firm that we contracted out to prepare the  
9 draft EIR.

10 And from EDAW we have Gary Jakobs. And he's  
11 going to present a Power Point presentation that will  
12 probably take about 25 minutes.

13 And I would like to ask that you hold off on  
14 any questions that you have until after the Power Point  
15 presentation.

16 Are you guys hearing me okay?

17 UNIDENTIFIED SPEAKER: There is feedback.

18 MS. DANIELS: All right. With that, we'll go  
19 on and Gary Jakobs from EDAW.

20 MR. JAKOBS: Good evening. And can you hear  
21 me? If you can't, let me know because we were having a  
22 little bit of problems with the microphones earlier and  
23 if we fade out a little bit, just raise your hand and  
24 let us know that you can't hear us.

25 What I'm going to do is, I am going to

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1 introduce the people that are here from the Department  
2 of Corrections and from the consultant teams so you know  
3 who everybody is.

4 I'll talk about the California Environmental  
5 Quality Act process and where we are within that.

6 Then I'll spend a few minutes talking about the  
7 project; what the proposed project is and why it's  
8 proposed.

9 And then we'll give a summary of the major  
10 findings of the Draft Environmental Impact Report. And  
11 then we're going to turn it over to you for your public  
12 comments.

13 As I introduce you, if you could raise you hand  
14 so that everybody knows who you are. Here from the  
15 Department of Corrections is George Sifuentes, Deputy  
16 Director.

17 Bob Caputi is the project director. He's the  
18 one who is responsible for supervising the overall  
19 direction of this project.

20 Cher Daniels is the supervising environmental  
21 planner; John McNitt, Captain at San Quentin State  
22 Prison. He's been serving on a project team, helping  
23 with a lot of the issues that are related to the  
24 operation of the facilities.

25 Vernell Crittendon -- Vernell? -- there you

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1 are. He's public information officer at San Quentin  
2 State Prison. He knows more about the history and the  
3 operations of the prison than just about anybody.

4 Teri Thornton is a Public Information Officer  
5 also with CDC. She's with headquarters officers.

6 And they're there to answer other questions  
7 outside of the EIR process.

8 I'm Gary Jakobs and I'm a principal and the  
9 project director with the firm of EDAW. We have  
10 provided environmental services to the Department of  
11 Corrections for several years on a variety of projects.  
12 This is Amanda Olekszulín.

13 Amanda is a project manager and has really done  
14 the heavy work on putting this environmental report  
15 together.

16 And Kristen Stoner -- Kristen, are you -- she  
17 is attending at the door. She is the project  
18 coordinator with our firm.

19 Now you know who we are.

20 I'm going to spend a few minutes talking about  
21 the CEQA process. CEQA is a process. And it starts  
22 with the Notice of Preparation.

23 That's a notice that goes out to the public and  
24 to public agencies that lets you know that we're  
25 beginning the environmental review progress and it asks

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1 for your comments and what we should study.

2 The notice of preparation went out, I believe,  
3 in November of last year. Then we had a scoping meeting  
4 in December of last year.

5 That scoping meeting was held to receive  
6 comments on the direction of the EIR.

7 The draft EIR went out at the end of September  
8 and the public hearing is today. So this is where you  
9 are.

10 Following the public hearing, we will be  
11 responding to comments that are raised tonight and  
12 raised in writing on the Draft Environmental Impact  
13 Report.

14 And we will be preparing a final Environmental  
15 Impact Report. That final EIR will go to the Director  
16 of the Department of Corrections, who will have to  
17 determine whether or not it meets the requirements of  
18 CEQA.

19 And if it does, then we'll certify that  
20 Environmental Impact Report.

21 After that, the director of the Department will  
22 decide whether or not to approve the project. If the  
23 director does decide to approve the project, then they  
24 will file what is called a Notice of Determination.

25 And that notice is filed at the State clearing

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1 house. And then the County Clerk notifies everybody  
2 that the project has been approved, if that does occur.

3 So that's the CEQA process. Today we're at  
4 public hearing. And the purpose of tonight's hearing is  
5 to describe a little bit about the project and about the  
6 Environmental Impact Report and then to receive your  
7 comment.

8 This is part of the EIR process. It's not  
9 required. Public hearings are not required under CEQA.

10 But the Department of Corrections feels it's  
11 important to hear your comments and that is why we're  
12 here tonight.

13 As for the project: The Department of  
14 Corrections is proposing this project in response to  
15 some existing problems at San Quentin State Prison  
16 associated with the condemned inmate population that is  
17 there.

18 And they've identified a number of solutions to  
19 those problems and that has resulted in a development of  
20 a proposed project.

21 Under existing State law, the California Penal  
22 Code, it is required that all condemned inmates are  
23 housed at San Quentin State Prison.

24 And that also is a requirement of where  
25 executions are held.

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1 San Quentin State Prison was originally built  
2 in 1852. The condemned row was originally built in  
3 1934. When it was built, it was built to house 68  
4 inmates.

5 There is currently a condemned population at  
6 San Quentin State Prison of over 600 inmates. So  
7 they're housed in less than optimal circumstances.

8 Some are housed in the facilities that were  
9 originally designed and built for the condemned  
10 population.

11 Some are housed in other locations of the  
12 prison.

13 Some of the problems that this has resulted in  
14 -- and it's a little hard to go through and explain in  
15 detail what the problems are.

16 But I'll walk through them a little bit. The  
17 visitor facilities are less than optimal now. There is  
18 not good security in the visitors space.

19 The perimeter security is just this wall. That  
20 is the security at the prison wall and the guard towers.  
21 And you can see that right here too.

22 The solution to that is to develop a more  
23 modern secure facility for the condemned inmate  
24 population.

25 What this shows right here is what is now the

1 conventional and part of the proposed project designed  
2 for perimeter security.

3 It's a dual security fence and then with an  
4 electrified -- a lethal electrified fence in the center  
5 of these two secured -- two perimeter fences.

6 The facility, itself, is also designed to  
7 provide more visibility and better visual access for  
8 security purposes.

9 The current facility is a danger to officers  
10 who work there. These are very, very narrow spaces.  
11 This is a walkway. This is the door to a cell.

12 So there is not much space between violent  
13 offenders and officers and these walkways that are  
14 sometimes several stories up.

15 The cells are very small. As you can see right  
16 here, some of them are about 42 square feet. The doors  
17 on the cells are open. They are not solid. And this  
18 has resulted in some security problems.

19 Right here, this is an illustration. That is a  
20 spear that an inmate launched from his cell into a mask  
21 of a correctional officer and it pierced the shield.

22 It's just one example of some of the security  
23 issues that occur with officers.

24 The solution to this is to have a facility that  
25 is more modern in design. The cell fronts are solid.

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1 This is a lot better secure access for correctional  
2 officers to work with violent inmates.

3 The visibility is a lot better. So, overall,  
4 this is a much more secure facility for the general  
5 public and for the officers who work there.

6 Again, the current population of condemned  
7 inmates is 600. It's growing at a rate of about 25 to  
8 30 a year on average.

9 The proposed project would provide 1,024 new  
10 cells. Some of those cells could be double bunked. And  
11 it would provide an overall capacity of the 1,408  
12 condemned inmates.

13 It would be a modern maximum secured facility  
14 and it would have a perimeter of electrified fence and  
15 it would be on the grounds of San Quentin State Prison.

16 The Department of Corrections' property extends  
17 right along there. And this is where the facility would  
18 be. It would be on the western side of San Quentin  
19 State Prison.

20 It would be on this 40 acre parcel. Right here  
21 you see -- in this photo you see some of the older cell  
22 blocks.

23 The project would be in this area right here.  
24 It would replace a lot of the low intensity -- some  
25 facilities that look like they're temporary in nature.

1           Those would be replaced by the project. But  
2 the older buildings would be retained.

3           The current capacity at San Quentin State  
4 Prison is about 6,200 inmates. The current population  
5 is 5,763. More or less that was the number when we  
6 started the Environmental Impact Report.

7           The project would add 1408 beds and it would  
8 remove 250. So the overall net increase in beds would  
9 be 1,158.

10          The total capacity would be 7,380 inmates. It  
11 would increase from 6,200 to 7,380.

12          It's not the Department's plan to house that  
13 many inmates on the property and I'll address that in  
14 just a moment.

15          When we initiated the project, we worked with  
16 the Department on some of the environmental constraints  
17 and environmental issues that we were going to try to  
18 resolve through design.

19          And the Department came up with some 15 to 20  
20 designs to address a number of issues.

21          Some of them were associated with retaining  
22 some of the topographic features on the project site.  
23 There is a hill called Dairy Hill, which is fairly  
24 prominent and visible on the site.

25          We worked very hard with the Department to --

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1 and they tried to come up with a design that would  
2 retain that.

3 There are also some homes on the prison site  
4 that are occupied by correctional officers and there are  
5 other facilities that they were trying to retain.

6 The single level design option is one of the  
7 options that they came up with that uses a good amount  
8 of the property on the site.

9 This stacked design option uses less of the  
10 property on the site but it does so by stacking the  
11 buildings on top of each other.

12 So it's, basically, twice as high as the single  
13 level design.

14 And I'll talk a little bit about the impacts of  
15 each, which brings us to a summary of the draft EIR.

16 First of all, as Cher told you a moment ago,  
17 the draft EIR was circulated to public agencies and the  
18 public on September 28th for a 45-day public review  
19 period.

20 And here we are on November 4th. There is  
21 still a week left in the public review period.

22 The close of the period was originally  
23 announced as November 11th and that was in the Notice of  
24 Availability.

25 That's Veterans Day. So it's been extended to

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1 November 12th. That is the close of the public review  
2 period. That's when written comments must be postmarked  
3 by.

4 The draft EIR evaluates the project's specific  
5 impacts of implementing the proposed condemned inmate  
6 complex project.

7 What we did is we looked at CDC's goal, which  
8 is that there would be no increase in the number of  
9 inmates at San Quentin State Prison compared with the  
10 current numbers; so 5,763.

11 This has been the Department's stated goal for  
12 the operation of San Quentin State Prison.

13 We also looked at a worst case. How many  
14 inmates could you possibly squeeze into San Quentin  
15 State Prison, if you were to use all the spaces that are  
16 available for inmates.

17 The reason we did that is we wanted to look at  
18 worst case conditions in the event that policy changes  
19 over time. We're not in control of that.

20 And so as an obligation in the EIR, we did look  
21 at a worst case scenario.

22 We evaluated at an equal level of detail, both  
23 the single level and stacked design options. And then  
24 we identified significant affects.

25 Significant affects are defined in the

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1 California Environmental Quality Act as substantial and  
2 adverse changes in the physical environment. So  
3 substantial and adverse changes in the physical  
4 environment.

5 Those are significant impacts.

6 If you have read the draft Environmental Impact  
7 Report, you have seen what our conclusions are but I'll  
8 walk through them a little bit.

9 The less than significant impacts are to the  
10 categories of land use and adopted plans and employment  
11 population and housing.

12 We identified significant impacts but the  
13 Department has committed to adopting mitigation measures  
14 to reduce those impacts to a less than significant  
15 level.

16 And those are for the topics of air quality,  
17 biological resources, earth resources, hazards and  
18 hazardous materials, hydrology and water quality, noise,  
19 public services and utilities, with the exception of  
20 water, and transportation.

21 The EIR also identified significant and  
22 unavoidable impacts to visual resources, cultural  
23 resources and water supply.

24 And I'm going to spend the rest of the  
25 presentation walking through those issues. They're very

1 important.

2 With regard to visual resources, we evaluated  
3 five public viewpoints. We looked at views of the  
4 project site from Corte Madera, from Larkspur Landing  
5 Ferry Terminal, from the Larkspur Ferry boat that would  
6 pass by the site;

7 From the San Quentin west gate and from Sir  
8 Francis Drake Boulevard as you drive past the property.

9 We analyzed both the single level and the  
10 stacked design option. We used a very precise technique  
11 for doing this.

12 We used digital cameras. We used digital  
13 topographic information. And we prepared and we used  
14 three dimensional models to -- digital models to create  
15 a simulation of what the facility would look like.

16 We also used simulated lighting levels that are  
17 based on published data of what the lighting would look  
18 like, too.

19 So we have a very precise analysis. But at the  
20 same time, it's conceptual in that the Department is in  
21 the process of designing the facility.

22 So what we've done is we've shown  
23 representations of what the facility would look like.  
24 This doesn't mean it will be exactly like this.

25 But certainly the height, the mapping, the

1 locations of the buildings are where we're showing them.

2 So this does give you an idea of the magnitude  
3 of the impact.

4 This shows the locations where we have  
5 simulated the project. The Corte Madera location is  
6 right around here. It's a little bit off the map.

7 Then this Larkspur Ferry view point, Larkspur  
8 Ferry Terminal, the west gate and Sir Francis Drake  
9 Boulevard.

10 So these are the locations that we looked at.  
11 This is the existing view. And just for this one slide,  
12 because it is a little bit hard to see, I'm going to  
13 point out where the facility will be so that you can,  
14 kind of, follow this as it appears in the slide.

15 Right over here, you're going to see, as we go  
16 through the slide show, you'll see the facility right  
17 here.

18 This is a single level design and there is the  
19 stacked design. We found that the impacts of the single  
20 level design were less than significant from this view  
21 point; that the stacked design was significant.

22 This is the nighttime view point. This is  
23 existing. Again, if you, kind of, look at this part of  
24 the slide to see the lighting come up.

25 There is the single level; there is the stacked

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1 level. In both cases, we didn't feel that this was a  
2 significant addition of lighting and so we identified  
3 these as less than significant impacts.

4 This is from the Larkspur Ferry terminal, an  
5 existing view. There is a single level design. We  
6 concluded that this was a less than significant change.

7 There is the stacked design. We concluded that  
8 this was a significant change in the view shape.

9 There is a nighttime view. You have the single  
10 level design. We said that was not significant. You  
11 had the stacked design. We said that that was  
12 significant.

13 This is a view from the Larkspur ferryboat.  
14 There is the single level design. We said that was  
15 significant. There is the stacked design. We also said  
16 that that was significant.

17 We did not do any nighttime simulations from  
18 the boat just because of the limitations of photography  
19 and you have to be in a very stable point and have long  
20 exposures in order to do that.

21 And also the ferryboat's nighttime schedule is  
22 very limited. So we don't have simulations. We  
23 concluded that because of the very limited schedule at  
24 night for the ferry terminal, that the nighttime visual  
25 changes would not be significant.

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1           This is the existing view from Sir Francis  
2 Drake Boulevard. There is a single level design option.  
3 As you see, it uses almost the entire site that you see  
4 from Sir Francis Drake Boulevard.

5           And that's why all of the vegetation is  
6 removed, all the homes are removed in the foreground;  
7 significant impact.

8           This is the stacked design option. The  
9 vegetation is retained. The homes are retained. We  
10 still said it was a significant impact.

11           Nighttime, this is the existing view. There is  
12 a single level and there is the stacked level. And both  
13 we concluded would be a significant impact.

14           This is from west gate. This is a single level  
15 design.

16           This is the stacked design. We concluded that  
17 both were significant impacts.

18           This is the nighttime view from this location:  
19 Single level, stacked; both concluded to be significant  
20 impacts.

21           What you see here is an early attempt at  
22 throwing some design options into trying to soften some  
23 of the visual effects.

24           And this is on the stacked design. You see  
25 what the Department has done here is brought in some of

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1 the elements of the old San Quentin complex into this  
2 design to try to do some kind of mitigation.

3 But it's all a work in process. And there is  
4 mitigation in the EIR that requires some design to go  
5 into the facility to try to lessen the visual impact.

6 But the conclusion is that the impact is  
7 significant and unavoidable both daytime and nighttime.

8 As far as historic resources, the project site  
9 is located west of the core of the San Quentin State  
10 Prison.

11 So the older cell blocks and none of those  
12 facilities would be affected. They would all be  
13 retained.

14 Some guard towers that are considered historic  
15 also are older and possibly historic possibly would be  
16 retained.

17 The project would demolish -- the single level  
18 design option would demolish a school house. It's an  
19 historic school house, not used as a school house any  
20 longer. But it would demolish that.

21 That is a facility that we have determined that  
22 is potentially eligible for a historic resource on the  
23 California list of historic resources register.

24 And then under the single level design option,  
25 about 57 homes that are occupied by correctional

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1 officers that are on the site also would be removed.

2 It's potentially -- they're potentially a  
3 historic district. We don't know that they are or are  
4 not.

5 We're in consultation right now with the State  
6 Historic Preservation Officer. So there is some  
7 mitigation. That would be involved moving elements of  
8 the school house and we're doing recordation.

9 Under the stacked design option, there would be  
10 no impact to any historic resources. None of the  
11 buildings would be removed that are considered  
12 potentially historic and also all of the homes would be  
13 retained.

14 And, again, the Department is in consultation  
15 with the State Historic Preservation Officer on historic  
16 resource issues to help define the significance of the  
17 impact.

18 Moving on to water; obviously a very important  
19 issue in Marin County.

20 The Marin Municipal Water District has -- or  
21 the San Quentin State Prison has entitlement to 861 acre  
22 feet per year of water from Marin Municipal Water  
23 District.

24 Most recently, the prison was using up to 953  
25 acre feet per year. So they have been using about 91

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1 acre feet in excess of their current entitlements.

2 The Department has committed to a retrofit  
3 program and they've been working with MMWD on this  
4 retrofit program.

5 MMWD has calculated that they would save 327  
6 acre feet per year, which is about a third of the water  
7 used on the site with this retrofit program.

8 This is a program that the Department has  
9 committed to absolutely outside of this environmental  
10 review process.

11 We look at it as a modification to the future  
12 existing conditions.

13 So what happens?

14 You take 327 acre feet per year out and the  
15 future use is projected to be about 626 acre feet per  
16 year, which is below the 861 acre foot per year  
17 entitlement.

18 The project would use 227 acre feet per year.  
19 The total water demands, future plus project, would be  
20 853 acre feet per year.

21 That's less than the 861 acre foot per year  
22 entitlement. And it's well below the current 953 acre  
23 feet per year demand at San Quentin State Prison.

24 Marin Municipal Water District has a threshold  
25 of significance. It's 100 acre feet per year.

1           That's generally what they apply. If CDC's  
2 budgeted capacity, so the 5763, the current inmate  
3 level, does not change, there will be a slight increase  
4 in water use associated with this facility at 76 acre  
5 feet per year.

6           That would be below the threshold of  
7 significance. So it would not be a significant impact.

8           At maximum capacity, which we're using as our  
9 worst case analysis, there would be an increase of 257  
10 acre feet per year.

11           That's well above the threshold of  
12 significance.

13           Mitigation is being included in the design of  
14 the project. And it would require installation of  
15 restrictive flow facilities so that there would be about  
16 20 to 60 acre feet less water use than if it was not  
17 mitigated.

18           The net would be 167 to 207 acre feet per year.  
19 I know that these are a lot of numbers but water being  
20 an important issue, I just wanted to get this out.

21           Residual impact is significant but unavoidable.  
22 Yes, it would be less than current conditions, but this  
23 is a process the Department is committed to, whether or  
24 not this project gets built.

25           And that's the record that the project is being

1 planned, irrespective of whether the inmate complex is  
2 ever built.

3 Alternatives: The California Environmental  
4 Quality Act requires that EIRs evaluate alternatives to  
5 the project.

6 The requirement is that alternatives must be  
7 looked at that attain the basic objectives of the  
8 project but reduce the impacts.

9 Well, the legal mandate, the California Penal  
10 Code requires that all condemned inmates are housed at  
11 San Quentin State Prison.

12 So all the alternatives are somewhat limited.

13 We looked at the no project alternative and we  
14 looked at alternative on-site designs to avoid impacts.

15 We talked about the stacked versus the single  
16 level design.

17 We also have heard a lot of community input on  
18 the desire to close San Quentin State Prison and to  
19 reuse the site for an alternative use.

20 So we did look at that as an alternative. It's  
21 really outside the typical CEQA process because it  
22 doesn't attain the project objectives.

23 However we did look at these alternatives. We  
24 looked at an off-site alternative and we also looked at  
25 an offsite alternative in combination with implementing

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1 the San Quentin vision plan, which the County has  
2 proposed.

3 The environmentally superior alternative is no  
4 project. As far as the other alternatives that we  
5 looked at in the EIR, the ones that attain the project  
6 objectives, there are tradeoffs associated with the  
7 single versus the stacked design.

8 The single level design removes historic or  
9 potentially historic structures. It removes employee  
10 housing.

11 This is not an environmental issue but  
12 certainly it's an important issue to the Department  
13 because the housing on-site does provide for operational  
14 benefits to the prison.

15 And also some of the views would be more  
16 visible with the single level design than with the  
17 stacked level.

18 The stacked design, itself, avoids any impacts  
19 to historic or potentially historic structures. It  
20 retains the employee housing but it is generally more  
21 visible than the single level design.

22 So that is a summary of what is in the  
23 environmental impact report and now it's time for public  
24 input.

25 And what we do ask is that you fill out the

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1 comment cards with your name and address and that when  
2 you do come up to speak, that you state your name and  
3 your organization and that you focus your comments on  
4 the environmental analysis presented in the EIR.

5 There is a lot of people here to speak. We  
6 have the room only until 9:00 o'clock.

7 So a couple of ground rules: One is if  
8 somebody raises a comment, the court reporter will be  
9 taking that down and we will be having to respond to  
10 that comment.

11 So if somebody raises an issue, it's not  
12 necessary to repeat that issue, although you may. It's  
13 entirely up to you.

14 We don't want to stop you from speaking about  
15 what you would like to speak about when you come up.  
16 But please keep in mind that we will be taking those  
17 comments down.

18 We are going to limit public input to three  
19 minutes per speaker. If we go through all the speakers  
20 and you have not said all that you wanted to say and  
21 there is still time left, then we invite you to come  
22 back up and to speak again.

23 The order that we would like to go in is  
24 elected officials. We would like to have you speak  
25 first. Then representatives of public agencies and then

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1 members of the public, who are representing themselves.

2 In addition to tonight, again, you could  
3 provide your comments in writing up until November 12th  
4 and then a final EIR will be prepared and a decision  
5 on the project will follow that.

6 UNIDENTIFIED SPEAKER: Is it possible to get  
7 some of the blue cards in here so we don't have to climb  
8 over each other to go after them?

9 MS. DANIELS: Yes. We can get the blue cards  
10 for you.

11 UNIDENTIFIED SPEAKER: Thank you.

12 MS. DANIELS: Thank you, Gary, for that  
13 presentation. With that, I've already collected a few  
14 speaker cards. So we'll get some more out there to you  
15 and we'll get those collected.

16 So let's get started with the public testimony.  
17 I have one elected official here, Cathy Hartzell. She's  
18 with the Larkspur City Council.

19 Do we have any other elected officials here  
20 who would like to speak? Okay.

21 Is Cathy here?

22 MS. HARTZELL: Yes. I thought I had five  
23 minutes so I thought I had five minutes so I'm going to  
24 have to talk really fast.

25 MS. DANIELS: And if you have something that is

1 typed out or written down, that will help us out a lot,  
2 too, if we can get that.

3 MS. HARTZELL: I am Cathy Hartzell. I am a  
4 member of the Larkspur City Council and we met last  
5 night to prepare some of these comments and other  
6 comments will be followed in writing.

7 We are neighbors of the prison, your community  
8 and ours. When giving directions for out-of-town  
9 visitors we say, "Do you know where San Quentin is?"

10 Then we proceed to give them directions. We  
11 recognize that we need to replace the condemned inmate  
12 complex. And at this time, I'm only presenting  
13 Larkspur's comments on the EIR for the plan to replace  
14 the complex here locally.

15 One of our councilmen recently took a tour of  
16 San Quentin and reported back to us. He was quite  
17 affected by the obvious needs for a new facility, given  
18 the conditions evident, even to a civilian, of the  
19 prison.

20 We want to be good neighbors. I'm certain that  
21 members of your Board of Corrections want to be good  
22 neighbors as well.

23 Number one: Our traffic engineer reviewed the  
24 draft EIR traffic and transportation section and finds  
25 it both inadequate and inaccurate.

1           For example, traffic backs up into Larkspur and  
2   Corte Madera as far back as Seifer (phonetic) Drive  
3   heading to the Richmond/San Rafael Bridge.

4           The traffic surveys that we have on this  
5   indicate that they're a level "F" for a couple of  
6   on-ramps that your EIR demonstrates in their charts as  
7   being a better level than that.

8           I think you need to check it out and see  
9   whether there could be some corrections there.

10          There is inadequate mitigation proposed, let  
11   alone acknowledgement that the traffic condition exists.

12          Likewise, construction is proposed for a time  
13   period when a number of other projects that have been  
14   under public review and approval process for years will  
15   be under construction.

16          This does not appear to be acknowledged or  
17   mitigated in the draft EIR.

18          Second: The west gate, which is not indicated  
19   as a main entrance, is nevertheless a great certain to  
20   us, given that the facility to which visitors would be  
21   heading is, in fact, more directly accessible via the  
22   west gate.

23          It is only logical to assume that it will  
24   evolve to be a major access point.

25          This is not evaluated in the draft EIR, nor is

1 there mitigation proposed which would preclude it from  
2 occurring.

3           Were the gate to be employed, signalization  
4 would be required on East Sir Francis Drake on that  
5 location and this is not mentioned in the draft EIR.

6           A third concern that we have is lighting. This  
7 has been indicated as being of -- in depending upon the  
8 location -- of no significant impact or some significant  
9 impact.

10           To be quick here, I would say that I believe  
11 that those who live in the surrounding area and those  
12 who visit and travel in the surrounding area would  
13 indicate that no matter where you're looking at this,  
14 that the degree of lighting that would be expanded in  
15 those locations would be considered to be a significant  
16 impact for all.

17           I read the lighting section with a great deal  
18 of detail and I notice that you do have a lot of  
19 language about shielding against over spray -- that's  
20 not the right word -- but overshoot of the light.

21           We're very concerned because we have a number  
22 of -- there are a number of navigation issues for early  
23 morning hours in the dark and late in the evening.

24           The ferry does run in the dark and in the  
25 morning and in the evening and we have rowers out there,

1 both teenage rowers and adult rowers who are in the dark  
2 out there.

3 Having lights spill onto the water could be  
4 very dangerous and hazardous for their safety.

5 The visual impact: We are underwhelmed by the  
6 architectural sensitivities manifest in the designs.

7 If there is anyone seriously suggesting that  
8 using painted bands on the building as a mitigation  
9 measure, I think is ludicrous.

10 You have an architectural, albeit antiquated  
11 gym in the prison, itself. And this proposal desecrates  
12 its dignity.

13 Treblanca (phonetic) comes to mind. It is a  
14 travesty that the State would propose such an imposing  
15 and undetailed unfulfilled building to be put in that  
16 site.

17 I'm shortening what I'm saying here.  
18 Obviously, it's a condemned inmate facility. We're not  
19 talking about something that is to fulfill low, medium  
20 and moderate income housing needs.

21 But we are talking about something that the  
22 rest of the public and your employees are participating  
23 and viewing on a daily basis.

24 The mitigation measures are seriously  
25 under-analyzed. There is no discussion on lowering the

1 facility and berming around it, which someone else may  
2 bring up in a little while, which could mitigate  
3 substantially against the concentration camp appearance.

4 There is no screening because you need to  
5 eliminate it to keep the wildlife away.

6 If you do the double decker, you get to keep  
7 some of the vegetation. That's probably a good thing.  
8 But if you do the single story, that's obviously a  
9 problem.

10 I would conclude by saying that we do  
11 understand your objectives and we are not at this time  
12 addressing anything but the proposed facility at this  
13 proposed location.

14 We want to be good neighbors and we want you to  
15 be good neighbors with us.

16 Thank you.

17 MS. DANIELS: Thank you. Next, I believe, we  
18 have State Assemblyman Joe Nation.

19 ASSEMBLYMAN NATION: Thank you. I appreciate  
20 the opportunity to be here. I will tell you that it is  
21 a little bit strange to be commenting on an EIR for a  
22 project where alternatives were never examined.

23 And I believe that alternatives were never  
24 examined for this proposed expansion of death row at San  
25 Quentin.

1           One of the advantages, typically, of an  
2 environmental impact report is that it's straight and  
3 it's honest and it's down the middle and you can rely  
4 upon that.

5           I will suggest to you that, with all due  
6 respect, this EIR, like other information we've received  
7 from the Department of Corrections, is not straight, is  
8 not honest and does not provide an honest assessment of  
9 alternatives to the expansion of this.

10          And what I would like to do is just cite one  
11 issue that is contained in the EIR.

12          Under the summary 1.5.2: Off-site location  
13 alternative. The second paragraph, this says: Based on  
14 typical prison designs, under this alternative,  
15 approximately 200 acres of land -- this is moving this  
16 to another site -- approximately 200 acres of land would  
17 be required to construct proposed facilities and related  
18 infrastructure to serve these facilities."

19          That assumes, if I'm reading it correctly, that  
20 the alternative is to construct a stand-alone prison  
21 that would contain death row and other facilities  
22 currently at San Quentin.

23          I would suggest that what we ought to be doing  
24 is looking at the location or the movement of death row  
25 to another existing facility that exists within the

1 Department of Corrections today.

2 I think one has to only look to the report that  
3 was done by the State Auditor earlier this year. And if  
4 I could, let me share that with you.

5 I'm sure you have seen it. "California" --  
6 this is the California State Auditor Bureau of State  
7 Audits, whose interest is primarily financial.

8 That's what she did, the State Auditor when  
9 she looked at this.

10 And just to look at the title indicates how far  
11 off base this entire process is:

12 "California Department of Corrections, its  
13 plans to build a new condemned inmate complex at San  
14 Quentin are proceeding but its analysis of alternative  
15 locations and costs was incomplete."

16 So the State Auditor has concluded that even  
17 though no analysis was done, even though it was  
18 incomplete, the Department of Corrections continues to  
19 move forward.

20 There were a number of things that the Auditor  
21 found in her analysis and I'll just give you a couple of  
22 those.

23 MS. DANIELS: We do have a limit to your  
24 time --

25 ASSEMBLYMAN NATION: I think I've taken less

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1 time than the city council member, who said she was  
2 going to be a good neighbor so --

3 UNIDENTIFIED SPEAKER: He can have my time. He  
4 needs to speak.

5 MS. DANIELS: I think it's important for him to  
6 speak but we want to give other folks an opportunity to  
7 speak also.

8 UNIDENTIFIED SPEAKER: We want to hear Joe  
9 Nation speak.

10 ASSEMBLYMAN NATION: I will wrap this up --

11 MS. DANIELS: Thank you.

12 ASSEMBLYMAN NATION: -- if I can in about a  
13 minute and-a-half. Number one, the auditor suggested  
14 the following:

15 She suggested that the Department assess the  
16 costs and benefits of relocating the condemned inmate  
17 complex to each of the current prison locations  
18 possessing either adequate and available land for such a  
19 facility or an existing adequate facility.

20 That has not be done.

21 She also suggests that we require the  
22 Department to analyze the estimated annual operating and  
23 maintenance costs of a new condemned inmate complex at  
24 other locations with adequate land or facilities  
25 compared to those it expects to incur at San Quentin.